

NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>Enforcement Operations</u> STATEMENT NUMBER <u>5.26</u>
SUBJECT: <b>INMATE MAIL SERVICE</b>  PROPONENT: <u>John Sanfilippo, Warden</u> <i>Name/Title</i> <u>Commissioner's Office 271-8016</u> <i>Office Phone #</i>	EFFECTIVE DATE <u>10/01/05</u>  REVIEW DATE <u>08/01/06</u>  SUPERCEDES PPD# <u>5.26</u>  DATED <u>08/01/05</u>
ISSUING OFFICER:   <hr/> <i>Stephen J. Curry, Commissioner</i>	DIRECTOR'S INITIALS _____ DATE _____  APPENDIX ATTACHED: YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

I. PURPOSE:

To establish guidelines for incoming and outgoing correspondence, publications, and property and to provide a process and criteria for reviewing and rejecting unauthorized materials.

II. APPLICABILITY:

to all inmates and staff

III. POLICY:

It is the policy of the Department of Corrections to allow inmates to send and receive correspondence, publications and property through the United States Postal Service or regulated parcel carriers, according to all applicable laws, policy and procedures and regulations. All quarantine inmates will receive postage stamps to enable them to maintain community ties.

IV. PROCEDURE:

A. Responsibility

1. A responsible individual will be designated as the Mail Officer and Mail Service Unit Supervisor for each confinement facility.
2. The Mail Officer is responsible for the operation of the Mail Service Unit, including the completion of the legal mail log (attachment 2), withheld mail log (attachment 3), notice to inmates regarding Literary Review Committee (LRC) decisions and the supervision of all assigned personnel.
3. The Mail Officer will report to the facility administrator through an established chain of command.
4. Incoming and outgoing mail may be withheld from the stream of mail for referral to the LRC or for further investigation. Unless subject to one of the exceptions described below (or permitted by a separate PPD) inmates whose mail is withheld will be notified in writing of that decision. When second-class periodicals (newspapers, magazines,

etc) or 3<sup>rd</sup> or 4<sup>th</sup> class or other bulk mail are withheld, that information will be posed in the units or blocks. When first class documents or packages are withheld, an inmate will be notified within ten (10) days of the date the mail was withheld. The written notice shall include:

- a. Inmate name
- b. Item description (letter or package)
- c. Other contents, if any
- d. Date the item was pulled
- e. Reason why the item was pulled
- f. The other person's (sender's or recipient's) name
- g. Whether the item was "held in the mail room or sent to another location"

A DOC staff member shall sign the notice. The same information shall be kept in the withheld mail log for first class letters and packages (see attachment 3).

5. At their own expense, inmates may request one copy of the existing withheld mail log entries pertaining to them for a particular date or timeframe so long as they are entitled to the information pursuant to this policy and all other PPDs. In the event that an inmate is not entitled to the information, the inmate will be told that "no information exists", or the substantial equivalent. The log shall be maintained in the mailroom for a minimum of sixty (60) days. Thereafter, the log may be destroyed or archived, at the department's discretion. Inmates may also file an inmate request slip seeking the information without charge.

B. Mail Security Screening

1. All incoming and outgoing mail is subject to being opened and read. All mail will be routinely inspected for contraband, except for privileged correspondence as specified below (see IV F). Information obtained from inspection of such mail will not be divulged, except as deemed necessary in conducting an investigation or judicial or quasi-judicial proceeding. Any material provided to investigative agencies will be handled and processed as physical evidence in accordance with applicable laws and rules and regulations.
2. Incoming or outgoing inmate mail that meets any of the following criteria, will be forwarded to the LRC or Investigations for review, consistent with the notice provisions in IV A 4.
  - a. Descriptions or depictions of procedures for the construction or use of weapons, ammunition, bombs, incendiary devices, or other items that might constitute a security hazard.
  - b. Materials that depict, encourage, or describe methods of escape from correctional facilities, or contain blueprints, drawings or similar descriptions of locking devices of penal institutions, and other materials that might assist escape.
  - c. Descriptions or depictions of procedures for brewing alcoholic beverages, or the manufacture of drugs.
  - d. Any material that violates postal regulations, make unlawful threats, or attempts at blackmail or extortion.
  - e. Any material that contains contraband as defined by this policy or other regulations.
  - f. Any material pertaining to gambling or a lottery.
  - g. Documents written in code.
  - h. Descriptions or depictions that encourage activities which may lead to the use of physical violence or group disruption.
  - i. Materials that encourage or instruct in the commission of criminal activities or are in violation of the rules of conduct for prisoners.
  - j. Unauthorized solicitation of gifts, goods, or money from a person other than the

- inmate's family.
  - k. Prison unions.
  - l. Correspondence constituting or contributing to the conduct or operation of a business, except correspondence necessary to protect the property or funds of the inmate during confinement.
  - m. Contents that would, if transmitted, create a clear and present danger of violence and physical harm to persons or property, or severe psychiatric or emotional disturbance to a inmate.
  - n. Obscene material.
  - o. Inmate to inmate mail.
  - p. Sexually explicit material or material that would be detrimental to the treatment of inmates or that would encourage or educate inmates in deviant or unlawful sexual practices will be not permitted.
3. Mail forwarded to the Investigations Unit will be reviewed to determine the appropriate disposition.
    - a. Material that will become part of an official investigation will be retained as evidence. Both the sender and the intended recipient will be notified within ten (10) working days that the material is being held as evidence consistent with the written notice provisions in IV A 4, unless making the notification will jeopardize the investigation, in which case a written exception must be sought from the Chief of Investigations or higher authority. In the event that the exception is not approved, the inmate will be given written notification within ten (10) days of the date of that decision or the mail will simply be forwarded to him/her.
    - b. Material that does not constitute a meaningful violation of paragraph 2 above will be returned to the Mail Officer with instructions to forward it to the addressee. If the material is held less than ten (10) days, it shall simply be forwarded to the inmate.
    - c. Inmate to inmate mail may be retained or destroyed and is not subject to notification requirements. Facilitators of inmate to inmate mail may be subjected to visit suspensions or other sanctions.
    - d. Material that the Investigations Unit has determined should be rejected will be returned to the Mail Officer with an explanation for rejection together with instructions to notify both the sender, if known and the intended recipient of that action, consistent with this policy. Notice to the inmate and the sender shall be from the mailroom using the Rejected Mail Form (attachment 1). In the case of withheld outgoing mail, the recipient shall not be notified.
    - e. Material that may violate paragraph C3 below will be sent back to the Mail Officer with instructions to route the material to the LRC.
  4. Material that violates no other sections of this policy may not be rejected solely because its content is religious, philosophical, political, social, sexual, unpopular or repugnant.
  5. Because tearing out rejected or offensive portions of personal mail, publications or printed material creates animosity and ill will, it is reasonable to exclude the entire document. Thus, if any material contained in the envelop or package is destroyed or sent out, all material contained in the envelope or package shall be destroyed or sent out. On appeal from an inmate, where the rejected portion is so small and the violations of these rules so slight as to create no impact on the objectives of these rules, the Warden may, at their sole discretion, allow the material.

C. Literary Review Committee

1. The Commissioner shall appoint a committee to review questionable incoming or outgoing mail to include publications, pictures, or documents according to the guidelines established by this policy. The Committee shall be composed of three (3) members: a representative from security, mental health, and education.
  2. Any publication or material determined to be in violation of these guidelines will be returned to the sender at the inmate's expense, after the person to whom the mail was sent has been notified by the mailroom officer (Attachment 1). Any outgoing publication or material determined to be violation of these guidelines shall be returned to the inmate unless otherwise unsuitable to be returned, in which case it shall be destroyed or retained as evidence, at the discretion of the department.
  3. Review Criteria:
    - a. Obscene material, including publications containing explicit descriptions, advertisements or pictorial representations of homosexual acts, bestiality, bondage, sadomasochism, or sex involving children and including, but not limited to material that violates RSA 650:1, will not be permitted.
    - b. Sexually explicit material or material that would be detrimental to treatment of inmates or that would encourage or educate inmates in deviant or unlawful sexual practices will not be permitted.
    - c. Nudity or sexual depictions that violate no other provisions of this policy and which have scholarly, medical or purely artistic value may be admitted.
    - d. Homosexual materials may be admitted that violate no other section of this policy and that are not sexually explicit;
      - 1) If they cover the activities of gay-rights or gay religious groups
      - 2) If they are literary publications with homosexual themes or preferences.
  4. The committee will meet on a monthly basis if necessary, or more frequently at the discretion of the Committee Chair.
  5. Because tearing out rejected or offensive portions of publications or printed material creates animosity and ill will, it is reasonable to exclude the entire document. On appeal from an inmate, where the rejected portion is so small and the violations of these rules so slight as to create no impact on the objectives of these rules, the Warden, may, at their sole discretion, allow the material.
  6. There shall not be an excluded list of publications: each issue of a subscription is to be reviewed separately. However, an inmate may request from the Mail Officer information about whether a publication is frequently rejected in order to allow the inmate to make an informed decision concerning subscribing to a particular magazine. The Committee shall periodically provide the Mail Officer at each facility and the Library with a list of rejected publications.
  7. Materials forwarded to the committee will be kept in a secure storage area in the mailroom pending review.
  8. When a determination is made by the LRC, the LRC shall return the material to the mailroom with an explanation of what decisions were reached. When the mail that is forwarded to the LRC is rejected, the LRC will provide the rationale and reason to the mail office. The mailroom shall notify the inmate in writing of the decision made consistent with IV A 4. Decisions with regard to second class periodicals or 3<sup>rd</sup> or 4<sup>th</sup> class or other bulk mail shall be posted in the units or blocks. Decision with regard to first class envelopes or packages shall be sent to the inmate. LRC decision slips for envelopes or packages will include an area for DOC staff to list each letter or package at issue, the name of the individual or business the envelope or package was "sent to" or "received from" and the reason each envelope or package was rejected. The rejected mail form should be used for this purpose (attachment 1)
- D. Publishers Only Rule

1. All publications, tapes, records, discs or other material may be introduced into the mail by a bona fide publisher or bona fide bookstore and prepaid by direct subscription only. All must be prepaid and postage paid, and delivered through the United States Postal Service. Personal letter tapes and COD packages will not be accepted. Items that have been re-packed or delivered by other sources will not be accepted.
2. An exception to this rule is as follows:
  - a. One (1) subject article from a publication may be included in a piece of mail.
  - b. This article must be no larger than standard letter size of 8 1/2 x 11".
  - c. The articles must not be altered in any form; i.e. pasted, taped, stapled, etc.
  - d. Mail found to be in violation of this rules will be logged in the mailroom and processed as in PPD 9.2, paragraph IV F.

E. Mail Limitations

1. When the cost is borne by the inmate, there is no limit on the volume of letters an inmate may send or receive, or on the length, language, content or source of mail or publications, except when there is a reasonable belief that the limitation is necessary to protect public safety or institutional order and security. The volume of mailed material that may be kept in the housing units may be limited for fire and safety reasons.
2. Packages may be received from book or tape clubs or mail order firms if approved in advance by the Unit Manager/Facility Lieutenant. Packages are limited to 15 pounds and may not contain any unauthorized item.
3. Correspondence between Inmates of any institution is not authorized. Inmates who are immediate family members may correspond upon written approval from the Warden. Co-defendants may be permitted to correspond pursuant to a Court Order and with the approval of the Warden.
4. Bulk mail that advertises or solicits any item or service that inmates are not authorized to receive will not be forwarded to the inmates but will be removed from the institution and destroyed. Mail order catalogs of popular vendors will be available for use in the library. The Warden can make exceptions to this policy.

F. Privileged Correspondence

1. Correspondence between an inmate and a privileged correspondent will not ordinarily be inspected. However, it may be opened in the presence of the inmate when considered necessary to insure the authenticity of the correspondent or to check for contraband. In any case, it will not be opened outside the presence of the inmate unless the inmate specifically waived this privilege in writing or it is an emergency. Mail in privileged status must be clearly addressed to or received from one of the twelve (12) privileged classifications in this PPD.
2. The following is a complete list of agencies or individuals classified as privileged. Mail addressed as indicated will not be opened for inspection except in the inmate's presence and may be sealed before deposit in the mail collection boxes. Addresses marked with an \*, do not required postage.
  - a. President of the United States, Washington DC
  - b. Vice President of the United States, Washington DC
  - c. Members of Congress addressed to appropriate office
  - d. The Attorney General of the United States and regional offices of the Attorney General
  - e. Federal or State Courts\*
  - f. The Governor and Council of the State of New Hampshire, State House, Concord, NH 03301\*
  - g. The Attorney General of the State of New Hampshire, State House Annex, Concord, NH 03301\*
  - h. Commissioner of the Department of Corrections\*

- i. Members of the State Parole Board\*
  - j. Designated Attorney
  - k. Members of the New Hampshire General Court (House of Representatives, Legislators, Senators \*at the Legislative Office Building)
  - l. County Attorneys
3. The word "PRIVILEGED" must be written on the address side of the envelope in order to assure privileged handling in either in-bound or out-bound mail.
  4. Each unit will record all incoming and outgoing legal mail on the legal mail log (Attachment 2). Each inmate will sign the log signifying receipt of incoming legal mail. If an inmate refuses to sign, write "REFUSED" in the signature block.
  5. For security concerns, mail from outside sources to inmates shall be received in regular mail envelopes. Mail in courier or inter-office routing envelopes will be forwarded to investigations.
  6. Incoming "legal" mail found in violation of this policy shall be forwarded to investigations for appropriate action with the person(s)/firm(s) involved.
- G. Non-Privileged Outgoing Correspondence
1. All inmate outgoing mail must be processed through the Mail Services Unit.
  2. All non-privileged outgoing mail is subject to inspection. All correspondence not specifically identified and protected as privileged correspondence is non privileged.
  3. All non-privileged outgoing mail of any kind must be placed in the unit mailboxes unsealed. Non-privileged sealed mail will be inspected and returned to the inmate if he/she can be readily identified. If the inmate cannot be identified, the mail will be discarded.
  4. At no time will inmates handle, contact or otherwise process mail of other inmates.
  5. The mail officer will place outgoing mail in the area mailboxes for pickup. All outgoing mail is required to have the inmate ID number clearly marked on the envelope in accordance with IV G 3 of this policy.
  6. The mail officer will pick up mail from the mailboxes according to a schedule. Mail will be picked up six (6) days a week, except holidays.
  7. Inmates must pay postage on all mail that cannot be delivered in the messenger mail system.
  8. All mail will be stamped on the envelope as follows:  
NEW HAMPSHIRE STATE (full facility name)  
This mail is forwarded from the (facility name). The contents have not been evaluated and the (facility name) is not responsible for the substance or content of the enclosed correspondence.
  9. All outgoing mail will have the inmate's full name as displayed on the inmate ID card, identification number, facility name and address in the upper left-hand corner of the envelope. Full name means the name that appears on the inmate ID card. Nicknames, shortened names or initials will not be accepted. Mail not meeting this criteria will be rejected.
- H. Incoming Mail
1. All incoming mail to inmates must be processed through the mail unit for inspection. In order to process incoming mail efficiently and correctly, all incoming mail is required to have the inmate's full and ID number as part of the mailing address. Mail received without the ID number will be returned to sender as having insufficient address.
  2. Except for lawful and authorized communications regarding unauthorized and/or illegal mail, the confidentiality of mail contents will not be discussed or divulged by personnel assigned to duty in the mail inspection area.
  3. The Mail Officer shall:

- a. Screen all incoming mail, except packages, and remove privileged correspondence and mail between inmates.
- b. Open remaining non-privileged correspondence and inspect it for contraband, checks and money orders.
  - 1) Contraband will be removed and processed according to the current PPD governing inmate property control (9.2).
  - 2) Checks and/or money orders will be removed, logged in the "mail services checks and money orders journal" (A-15 Form) and sent to the inmate Account Office. If an inmate, through legal mail or regular mail receives a check, the check will be forwarded to the mailroom to be logged. All cash received in the mail will be treated as contraband.
  - 3) Photographs, pictures or unsolicited professional photos of children, adult visitors or prospective visitors unclothed or nearly unclothed will be removed.
  - 4) Packages will be logged at the entrance to the Mailroom immediately upon receipt. A copy of the package log will be given daily to the Property Officer upon receipt of the packages.
    - a) Upon receipt of the packages from the mailroom, the Property Officer will verify the packages received against the package log.
    - b) Inspect all incoming packages and remove all contraband and unauthorized property.
    - c) Dispose of all contraband and unauthorized property according to the current policy governing Inmate Property Control (9.2)
    - d) Books, periodicals and recordings (tapes, discs or records) are not permitted to be sent in packages or letters. Books, magazines, periodicals, newspapers and recordings will not be accepted unless packaged and mailed by a bona fide publisher by direct subscription only.
    - e) Except for packages mailed or shipped directly from an approved publisher, vendor or manufacturer, the State of New Hampshire or the Department of Corrections or any of their employees will not be responsible for any incoming package to inmates whether mailed through the United States Postal Service or shipped through a regulated parcel carrier such as United Parcel Service, Federal Express, etc. unless the package has been mailed "Certified Mail Return Receipt Requested" or properly received by the parcel carrier.
    - f) No COD (Cash on Delivery) items are accepted for inmates. All items must be pre-paid.
4. Any incoming mail that contains items that are not authorized to be sent through the mail, cannot be checked for contraband without being destroyed or contains unauthorized items will be returned to the sender and logged in the mailroom. If the sender cannot be readily identified, the addressees will have an opportunity to have the item(s) sent out at their own expense. A grace period of 30 days will be allowed before the material is destroyed.
- I. Forwarding Correspondence  
The mailroom will forward all first class mail and packages to inmates who have been transferred or released (if the inmate has furnished the mailroom a forwarding address) for a period not to exceed 30 days.
- J. Mail delivery (Incoming)
  1. At no time will inmates handle, contact or otherwise process mail of other inmates.
  2. Unit Managers will establish a procedure to insure the timely delivery of mail to

inmates living in their respective units. It is the inmates' responsibility to insure that they are present for mail call or make arrangements with the unit mail clerk if their work schedule conflicts with the unit mail call.

3. The Mail Officer will deliver all incoming mail into the custody of a designated Corrections Officer in each housing area according to schedule. Mail will be delivered six (6) days a week, except holidays. Mail will be delivered within 24 hours of receipt in the mailroom.
4. The designated Corrections Officer in each housing area will insure that mail is given directly to the individual inmate (addressee). Mail will not be left in an unsecured and/or unsupervised location at any time.

K. Package Delivery

1. At no time will inmates handle, contact or otherwise process packages of other inmates.
2. The Property Officer will make a reasonable effort to notify inmates - addressees of the time(s) to pick up packages at the property area within 48 hours, excluding weekends and holidays of receipt at the property room.
3. The Property Officer will insure that packages are given directly to the individual inmate - addressee.

L. Rejected Mail (incoming packages)

1. When incoming mail, other than bulk mail, third class or fourth class mail, is rejected for any reason, the originator, if readily identifiable, will be notified of the mail rejection by the Mail Officer or Property Officer, whichever position is rejecting the mail (letter or packages). (See IV A & C).
2. When outgoing mail is not forwarded through the USPS or regulated carrier, the Mail Officer must notify the inmate in writing and the reasons thereof. (See IV A & C)
3. All notices of rejected or non-processed/unforwarded mail and/or packages must be in writing and specifically cite the reason(s) for the rejection or non-processing. (See IV A & C).

N. Appeals

1. If an inmate or correspondent believes that the LRC or the Investigations Unit improperly rejected mail or packages, he/she may appeal within 10 days of the date they were sent notice of the LRC and/or Investigations Unit's decision to the Warden of the facility where the mail was sent or received for a review of the basis of the rejection. The Warden's decision is final. If the Warden does not overturn the decision, the inmate will have ten (10) days from the date of the decision to send out the material. If after ten days the material is still in the mailroom, it will be discarded/ destroyed or returned to the sender at the inmate's expense, at the department's discretion.
2. Any appeal to the Warden must include the following information:
  - a. Inmate's name
  - b. Item and other contents, if applicable
  - c. date mail pulled
  - d. name of the person to whom the letter or package was sent, if applicable
  - e. Why the item was pulled
  - f. Item's location.

Without this information, the Warden/mailroom may be unable to process the request and the material may be returned to the sender or destroyed, at the department's discretion.
3. If the mail officer believes that the Investigations Unit or the LRC has passed mail that should have been rejected under this policy, the mail officer may appeal within ten (10) days to the Warden for review. The Warden's decision is final.
4. If an inmate wishes to pursue an appeal of the Warden's decision in federal court, the



inmate must exhaust all administrative remedies first by filing a timely appeal with the Warden and filing a grievance with the Commissioner (PPD 1.16).

5. It is the inmate's responsibility to notify the Warden of he/she wishes to appeal the Warden's decision to the Commissioner. Otherwise, rejected mail may be sent out or destroyed, at the department's discretion. Similarly, it is the inmate's responsibility to notify the Warden of he/she wishes to file a court claim after receipt of the Commissioner's decision. Inmates are responsible for notifying the mailroom if they intend to file an appeal with the Warden or Commissioner and must ask the mailroom to preserve the material as evidence. Inmates are responsible for maintaining any mail (in original form) that he/she believes should have been sent out but that is, instead returned to him/her.

REFERENCES:

Standards for the Administration of Correctional Agencies  
Second Edition. Standards  
**2-CO-5D-01**

Standards for Adult Correctional Institutions  
Fourth Edition Standards  
**4-4487; 4-4489 thru 4496**

Standards for Adult Probation and Parole Field Services  
Third Edition Standards

Standards for Adult Community Residential Services  
Fourth Edition Standards  
**4-ACRS-6A-06 thru 6A-09**

Other

SANFILIPPO/pf

Attachments

REJECTED MATERIAL

In accordance with the policies and procedures of the Department of Corrections that govern Inmate's mail service, the enclosed correspondence is being returned/ rejected for the following reason(s): Outgoing mail will be handled in accordance with PPD 5.26 IV(F) and (G). Incoming mail will be handled in accordance with PPD 5.26 (IV)(H).

From: New Hampshire Department of Corrections Mailroom (Indicate Facility) \_\_\_\_\_  
To: \_\_\_\_\_

Inmate Name: \_\_\_\_\_ Unit/Cell: \_\_\_\_\_ ID # \_\_\_\_\_  
Mail Room Personnel \_\_\_\_\_ Date \_\_\_\_\_

Letter or package at issue                      Sender or intended recipient                      Other contents (if any)

- 1.
- 2.
- 3.

(If more space is needed please attach a separate sheet of paper)

- ☐ Cash money
- ☐ Unused correspondence materials; postage stamps, envelopes, paper and/or greeting cards
- ☐ Publication not from authorized vendor
- ☐ Check or money order not properly filled out
- ☐ Nude or semi nude pictures of children or adult or prospective visitor
- ☐ Does not meet the criteria of privileged/legal mail
- ☐ Contains contraband or unknown substances
- ☐ Glued, taped or stapled materials affixed to the correspondence material
- ☐ Laminated item(s), cardboard, carbon paper or map(s)
- ☐ Stickers either attached to correspondence material or unused
- ☐ Items larger than 8" x 10"
- ☐ Tattoo patterns and/or gang signs
- ☐ Unauthorized legal documents
- ☐ Unauthorized correspondence between Inmates of any institution
- ☐ Constitutes or contributes to the conduct or operation of a business
- ☐ Materials that would present a clear and present danger of physical or mental disturbance to a      Inmate.
- ☐ Depicts or describes procedures for construction or use of weaponry or explosives
- / Depicts or describes methods of escape from correctional institutions
- / Depicts or describes homosexual acts, bestiality, sadomasochism, bondage or pedophilia
- / Describes or discusses violations of institutional rules
- / Contains material that threatens physical harm, blackmail or extortion
- / Encourage activities that may lead to the use of physical violence or group disruption
- / Other:

\_\_\_\_\_ Mail Returned To:

OVER (for a description of procedure for appeal of the LRC decision pursuant to PPD 5.26)  
In the event that this description and PPD 5.26 are different, PPD 5.26 controls

YOU HAVE TEN (10) DAYS FROM THE ABOVE DATE TO APPEAL BY SENDING AN INMATE REQUEST SLIP TO THE WARDEN IN CHARGE OF THE FACILITY WHERE THE MATERIAL DESCRIBED ABOVE WAS "MAILED TO" OR "MAILED FROM" PURSUANT TO PPD 5.26

IF ANY MATERIAL CONTAINED IN AN ENVELOPE OR PACKAGE THAT HAS BEEN WITHHELD IS DESTROYED OR SENT OUT, ALL MATERIAL CONTAINED IN AN ENVELOPE OR PACKAGE THAT HAS BEEN WITHHELD WILL BE DESTROYED OR SENT OUT.

IF YOU DO NOT FILE A TIMELY APPEAL TO THE WARDEN, AND THE ABOVE MATERIAL WAS MAILED TO YOU, THE MATERIAL WILL BE HELD IN THE MAIL ROOM FOR TEN DAYS AND THEN THE MATERIAL WILL BE

Attachment 1  
Page 2 of 2

RETURNED TO THE SENDER AT YOUR EXPENSE .

IF YOU DO NOT FILE A TIMELY APPEAL TO THE WARDEN AND THE ABOVE MATERIAL WAS MAILED BY YOU, THE MATERIAL WILL BE HELD IN THE MAIL ROOM FOR TEN DAYS AND THEN RETURNED TO YOU, UNLESS OTHERWISE UNSUITABLE TO BE RETURNED, IN WHICH CASE IT SHALL BE RETAINED AS EVIDENCE OR DESTROYED, AT THE DEPARTMENT'S DISCRETION. IF IT HAS NOT BEEN DEEMED SUITABLE FOR RETURN TO YOU, YOU MUST PROVIDE THE INFORMATION SET FORTH BELOW AND ASK THAT IT BE RETAINED.

IF YOU FILE A TIMELY APPEAL WITH THE WARDEN ABOUT MAIL SENT TO YOU OR SEND AN INMATE REQUEST SLIP TO ASK THE MAIL ROOM TO "SEND THE MATERIAL TO A PARTICULAR PERSON" YOU MUST INCLUDE THE FOLLOWING INFORMATION SO THAT THE WARDEN AND/OR MAIL ROOM CAN IDENTIFY THE MATERIAL YOU ARE REFERRING TO: your name, item and other contents, date mail pulled, other person to whom letter or package was sent (if applicable) why the item was pulled, and location of item. WITHOUT THIS INFORMATION, THE WARDEN AND/OR MAIL ROOM MAY BE UNABLE TO PROCESS YOUR REQUEST AND THE MATERIAL MAY BE RETURNED TO THE SENDER OR DESTROYED AT THE DEPARTMENT'S DISCRETION.

IF YOU WISH TO PURSUE A CLAIM IN FEDERAL COURT, YOU MUST EXHAUST YOUR ADMINISTRATIVE REMEDIES BY FILING A GRIEVANCE WITH THE COMMISSIONER.

IT IS THE INMATE'S RESPONSIBILITY TO NOTIFY THE WARDEN IF THE INMATE WISHES TO APPEAL THE WARDEN'S DECISION TO THE COMMISSIONER. OTHERWISE REJECTED MATERIAL MAY BE SENT OUT OR DESTROYED BEFORE THE COMMISSIONER HAS A CHANCE TO REVIEW THE APPEAL. LIKEWISE, IF AN INMATE WISHES TO FILE A COURT CLAIM AFTER RECEIPT OF THE COMMISSIONER'S DECISION, THE INMATE MUST AGAIN NOTIFY THE WARDEN, ASKING THE WARDEN TO PRESERVE THE MATERIAL AS EVIDENCE, OR MATERIALS WILL BE SENT OUT OR DESTROYED.

IF AN INMATE FILES AN APPEAL TO THE WARDEN OR COMMISSIONER HE/SHE MUST ALSO NOTIFY THE MAILROOM TO HOLD THE MATERIAL AT ISSUE. INMATES ARE RESPONSIBLE FOR MAINTAINING ANY MAIL THAT THEY BELIEVE SHOULD HAVE BEEN SENT OUT BUT THAT IS, INSTEAD, RETURNED TO THEM.

SP - 226

White - Sender

Yellow - Mail Room

Pink - Inmate

## UNIT \_\_\_\_\_

[illegible]

**NOTE:** Legal mail must be opened by a Correctional Officer in the presence of the Inmate. Any discrepancy must be noted in the comments block of this form and an incident report will be completed.

# NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS WITHHELD MAIL LOG

UNIT \_\_\_\_\_

[illegible]

\*Please note where the item was sent or if it was kept in the mailroom.